



~~DAE~~

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Curiel, D. & Yamamoto, M. § ART UNIT:
§
FILED: December 7, 2001 §
§ EXAMINER:
§
SERIAL NO.: 10/005,964 §
§
FOR: Adenoviral Vector Containing §
Cyclooxygenase-2 Promoter § DOCKET:
and Uses Thereof § D6384

The Honorable Commissioner of Patents
Box DAC
Washington, D.C. 20231

CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.8

Dear Sir:

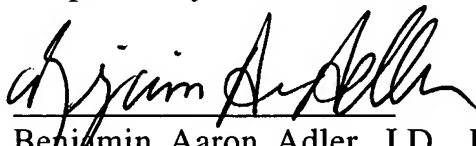
I hereby certify under 37 CFR 1.8 that the following correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to The Honorable Commissioner of Patents, Box DAC, Washington DC 20231.

- 1) Petition under 37 C.F.R. 1.183;
- 2) Declaration;
- 3) Copies of telephone bill;
- 4) Copies of CM1.10 and the return postcard; and
- 5) Return postcard.

Please return the enclosed postcard acknowledging receipt of this correspondence.

Respectfully submitted,

Date: April 5, 2002
ADLER & ASSOCIATES
8011 Candle Lane
Houston, Texas 77071
(713) 270-5391
BADLER1@houston.rr.com


Benjamin Aaron Adler, J.D., Ph.D.
Registration No. 35,423
Counsel for Applicant

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Curiel, D. & Yamamoto, M.

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The Honorable Commissioner of Patents
Box DAC
Washington, D.C. 20231

PETITION TO SUSPEND THE RULES UNDER 37 C.F.R. 1.183

Dear Sir:

Applicants hereby petition under 37 C.F.R. 1.183 that the filing date accorded the above-referenced patent application be changed to December 4, 2001, the date the application was mailed, based on the information received via a telephone conversation with the Patent Office concerning the procedure for emergency provisions under 37 C.F.R. 1.6 for mailing correspondence normally sent via Express Mail Post Office to Addressee under 37 C.F.R. 1.10. Applicants enclose a Declaration detailing the events and believe this constitutes extraordinary circumstances under which to suspend the rules and to grant the petition. Applicants further enclose copies of the Certificate of Mailing and of the date-stamped return postcard dated by Applicants December 4, 2001 identifying that the documents received were the filing documents for the above-referenced patent application.

Please debit the \$130 Petition Fee under 37 C.F.R. 1.17(h) from Deposit Account No. 07-1185.

04/18/2002 GTEFFERA 00000056 071185 10005964

01 FC:122 130.00 CH

Date: April 5, 2002
ADLER & ASSOCIATES
8011 Candle Lane
Houston, Texas 77071
(713) 270-5391
BADLER1@houston.rr.com

Respectfully submitted,

Benjamin Aaron Adler, J.D., Ph.D.
Registration No. 35,423
Counsel for Applicant

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Curiel, D. & Yamamoto, M.

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FILED: December 7, 2001

EXAMINER:

SERIAL NO.: 10/005,964

FOR: Adenoviral Vector Containing
Cyclooxygenase-2 Promoter
and Uses Thereof

DOCKET:
D 6384

The Honorable Commissioner of Patents
Box DAC
Washington, D.C. 20231

DECLARATION

Dear Sir:

I, Colleen M. Werner, do hereby depose and say as follows:

1. I am an employee of the law firm of Benjamin Aaron Adler, Registration No. 35,423, attorney of record for U.S. Ser. No. 10/005,964, accorded a filing date of December 7, 2001.

2. I placed a telephone call to the United States Patent Office either on November 20th or on November 30th to inquire about the Notification Related to United States Postal Service Interruption issued by the Office of Patent Legal Administration which I had read but had found confusing. I do not have the name of the person with whom I spoke. Nor do I remember if this conversation occurred immediately or if I left a message and received a return phone call.

3. I asked whomever I spoke with to explain to me how to use the temporary P.O. Box in Arlington, Virginia assigned for correspondence filed under 37 C.F.R. 1.10. I was told that if this address together with the

Box the correspondence was to be directed, i.e., Box Patent Application, was placed on a Certificate of Mailing, the attached correspondence would be received as though mailed according to 37 C.F.R. 1.10. I further inquired how this was to be mailed and was informed that it could be mailed via the U.S. Postal Service First Class Mail since express mail was not being accepted.

4. I acted in good faith on this information and I believed that this procedure would accord the filing date as that date on the Certificate of Mailing. I deposited the documents identified on the enclosed return postcard with the U.S. Postal Service as First Class Mail on December 4, 2001 to: The Honorable Commissioner of Patents, U.S. Patent and Trademark Office, P.O. Box 2327, Box Patent Application, Arlington, VA 22201.

5. A true copy of the Certificate of Mailing and of the date-stamped return postcard for the above-referenced international patent application are attached hereto.

6. True copies of the phone bills detailing long distance calls placed on November 20, 2001 and on November 30, 2001 is attached hereto. I can not definitely state the exact date the telephone call was placed or to which telephone number it was made. Additionally, the numbers dialed and the number recorded on the telephone bill are not always the same for a particular telephone call as calls can be switched or redirected.

7. I hereby declare that all statements herein of my own knowledge are true, that all statements made on information and belief are believed to be true; and further, that these statements were made with the

knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the application or any patent issued thereon.

Date: April 4, 2002

Colleen M. Werner
Colleen M. Werner



THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Curiel and Yamamoto

§ ART UNIT:

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FILED: December 4, 2001

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SERIAL NO.:

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EXAMINER:

FOR: Adenoviral Vector Containing Cyclo-
Oxygenase-2 Promoter and Uses Thereof

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DOCKET:

D 6384

The Honorable Commissioner of Patents
U.S. Patent and Trademark Office
P.O. Box 2327
BOX PATENT APPLICATION
Arlington, VA 22201

CERTIFICATE OF MAILING UNDER 37 CFR 1.10
as governed by 37 CFR 1.6(e)

Dear Sir:

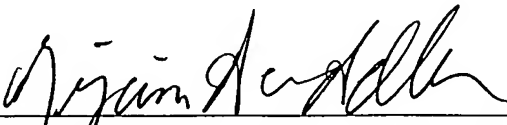
I hereby certify that the following documents, which are attached, are being deposited, under 37 CFR 1.10, with the United States Postal Service as Priority mail under 37 CFR 1.6(e) in an envelope addressed to: The Honorable Commissioner of Patents, U.S. Patent and Trademark Office, P.O. Box 2327, BOX PATENT APPLICATION, Arlington, VA 22202 as though deposited using the Express Mail "Post Office to Addressee" on the date indicated below:

- 1) Non-provisional application + 22 sheets of drawings;
- 2) Sequence Listing, Compliance Letter & CRF disk;
- 3) Transmittal Letter;
- 4) Two Combined Declarations and Powers of Attorney; &
- 5) Return postcard.

Please return the enclosed postcard acknowledging receipt of this correspondence.

Respectfully submitted,

DATE: Dec 4, 2001
ADLER & ASSOCIATES
8011 Candle Lane
Houston, Texas 77071
713/270-5391
BADLER1@houston.rr.com


Benjamin Aaron Adler, Ph.D., J.D.
Counsel for Applicant
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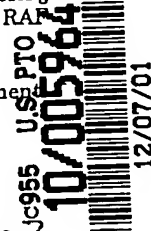
Applicant: Curiel & Yamamoto

Serial No.:

Docket No.: D6384

Atty: BAA
Date: 12/4/01

- ☐ Provisional Patent Application w/coversheet
☒ Sequence Listing w/ Compliance Letter PCR
☒ Application for Patent including
 54 pages spec. claims 14
☐ Request for filing ☐ Continuation
 ☐ Divisional
☒ Drawings: 22 sheets ☐ informal ☐ formal
☐ Check for \$ _____
☒ Certificate of Mailing 1.10
 as governed by 37 CFR 1.6(e)
☐ Certificate of Mailing 1.8
☒ Transmittal letter
☐ Verified Small Entity Status Form
☒ Combined Declaration and Power of Attorney (2)
☐ Assignment, w/check for \$ _____
- ☐ Petition for Extension of Time ☐ month(s)
☐ withcheck for \$ _____
☐ Response to Notice to File Missing Parts
☐ Response to Office Action ☐ RA
☐ Priority Document
☐ Information Disclosure Statement
☐ PTO form 1449
☐ Notice of Appeal
☐ Appeal Brief _____ pages
☐ Issue Fee Transmittal
☐ Power of Attorney by assignee
☐ Affidavit or ☐ Declaration ☐ Oath
☐ Application for Intent-to-use TM/SM
☐ Application for TM/SM Reg. w/specimen
- ☒ Postcard
 4A/4B/4C/4D, 5A/5B/5C, 6A/6B/6C/6D, 7, 3A/3B/3C/3D, 7A/7B/7C/7D, 10,
 11A/11B/11C/11D/11E/11F, 12A/12B/12C/12D/12E
- Other Figs. 1, 2, 3A/3B/3C/3D,
4A/4B/4C/4D, 5A/5B/5C, 6A/6B/6C/6D, 7, 3A/3B/3C/3D, 7A/7B/7C/7D, 10,
11A/11B/11C/11D/11E/11F, 12A/12B/12C/12D/12E



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Account Number
713-270-5391-593-0
December 13, 2001



Page 10 of 12

Call Charges
(Continued)

Item	Date	Time	Place Called	Area	Number	Rate*	Min	Amount
94	11/19	09:38AM	ALEXANDRIA	VA	703 305-2024	D	3:00	.00
95	11/19	03:36PM	SUNNYVALE	CA	408 731-8000	D	1:00	.00
96	11/20	11:02AM	ALEXANDRIA	VA	703 306-5880	D	4:00	.00
97	11/20	01:27PM	ALEXANDRIA	VA	703 308-4426	D	1:00	.00
98	11/20	01:28PM	ALEXANDRIA	VA	703 306-5881	D	2:00	.00
99	11/20	01:37PM	ALEXANDRIA	VA	703 308-8362	D	2:00	.00
100	11/21	08:28AM	ALEXANDRIA	VA	703 308-0899	D	1:00	.00
101	11/21	09:27AM	NEW YORK	NY	212 639-5010	D	2:00	.00
102	11/21	01:48PM	BIRMINGHAM	AL	205 975-9443	D	18:00	.00
103	11/21	03:28PM	GALVESTON	TX	409 772-8348	D	1:00	.00
104	11/23	08:57AM	GOLDEN	CO	720 318-5027	D	2:00	.00
105	11/26	09:02AM	ALEXANDRIA	VA	703 308-4691	D	5:00	.00
106	11/26	11:49AM	ALEXANDRIA	VA	703 308-4691	D	1:00	.00
107	11/28	08:25AM	ALEXANDRIA	VA	703 305-7270	D	5:00	.00
108	11/28	11:09AM	ALEXANDRIA	VA	703 305-7270	D	1:00	.00
109	11/28	01:24PM	ALEXANDRIA	VA	703 305-6838	D	1:00	.00
110	11/29	01:09PM	GOLDEN	CO	720 318-5027	D	8:00	.00
111	11/29	01:17PM	HACKENSACK	NJ	201 343-1313	D	12:00	.00
112	11/29	02:01PM	NEWORLEANS	LA	504 586-3946	D	1:00	.00
Total Domestic Calls for 713-270-5393								.00

Total Calls for 713-270-5393 .00

Total Call Charges 40.56

Surcharges

Description
113 Fed Universal Service Fund

Page 9 of 12

Account Number
713-270-5391-593-0
January 13, 2002



Call Charges
(Continued)

Total Calls for 713-270-5361 25.45

Calls for 713-270-5392

Domestic

Item	Date	Time	Place Called	Area	Number	Rate*	Min	Amount
57	12/03	02:27PM	ALEXANDRIA	VA	703 305-8047	D	1:00	.00

Total Domestic Calls for 713-270-5392 .00

Total Calls for 713-270-5392 .00

Calls for 713-270-5393

Domestic

Item	Date	Time	Place Called	Area	Number	Rate*	Min	Amount
58	11/30	10:59AM	ALEXANDRIA	VA	703 308-1202	D	1:00	.00
59	12/04	08:52AM	NEW YORK	NY	212 263-8043	D	1:00	.00
60	12/04	10:29AM	SAN JOSE	CA	408 563-0788	D	2:00	.00
61	12/04	01:32PM	BIRMINGHAM	AL	205 266-2868	D	13:00	.00
62	12/04	01:44PM	NEW YORK	NY	212 639-6181	D	6:00	.00
63	12/05	08:34AM	ALEXANDRIA	VA	703 308-8892	D	1:00	.00
64	12/05	09:13AM	ALEXANDRIA	VA	703 308-0196	D	1:00	.00
65	12/05	10:04AM	ALEXANDRIA	VA	703 308-8892	D	1:00	.00
66	12/05	04:27PM	AUSTIN	TX	512 424-7293	D	4:00	.00
67	12/06	11:52AM	ALEXANDRIA	VA	703 308-4357	D	5:00	.00
68	12/06	11:52AM	ALEXANDRIA	VA	703 308-4357	D	3:00	.00

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